

## **REMARKS**

The Office Action dated July, 18 2007 has been fully considered by the Applicant.

Claims 1 and 11 are currently amended. Claims 2-3, and 5-10 and 12 have been previously presented. Claim 4 has been canceled.

Claims 1-12 have been rejected under 35 USC 102(e) as being anticipated by United States Patent No. 6,445,738 to Zdepski et al. Reconsideration of the rejection is respectfully requested.

Currently amended independent claim 1 is directed toward a method for generating and processing data for the display of a stream of video data comprising the steps of processing a motion picture expert group compliant data stream of video data selected to be viewed by a user in a first format via the apparatus, the video data having frames defined in different categories with the largest frames known as "I" frames. The next step is generating an altered format for the video data. Then a user selects to view the video data in the altered format. Thereafter is the step of identifying a required level of data to be held in a buffer memory in the apparatus prior to decoding a first frame of the video data for the alternative format wherein the required buffer memory size is set at a level so as to substantially accommodate data for no more than a single "I" frame. Applicant sincerely believes that currently amended claim 1 is novel over the '738 Zdepski et al patent and respectfully requests reconsideration of the rejection.

In the '738 patent to Zdepski et al, Page 11, lines 54-57, the frames are grouped together in a stack. Applicants' amended claim 1 includes the required buffer memory size being set at a level so as to substantially accommodate data for no more than a single I frame. It can be easily seen that multiple frames within a stack requires a higher buffer memory level than for a single frame, therefore, the '738 Zdepski patent teaches away from Applicant's. Therefore, Applicant believes

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independent claim 1, along with dependent claims 2-3 and 5-10, is patentable over the '738 Zdepski et al patent and respectfully requests reconsideration of the rejection.

The advantage of Applicant's amended claims is that setting the memory buffer level to approximately the size of a single I-frame causes the memory buffer level to be reached more quickly and thus decoding and display begins earlier and the delays incurred by switching between normal and trick modes are significantly lower. As set forth in detail in the specification (for example, see Page 4), this is particularly advantageous in a broadcast data receiver (BDR) to which the present invention is directed.

In summary, Applicant believes that currently amended independent claim 1 is patentable over the '738 Zdepski et al patent and therefore respectfully requests reconsideration of the rejection.

Independent claim 11 has been currently amended to include a method of generating a video display in a first standard motion picture expert group format and a second user selectable fast forward or fast cue format, said method comprising the steps of: (a) upon user selection of the fast forward or fast cue format, obtaining a value indicative of the separation of received encoded frames in a video data bitstream; (b) using said value as a replacement value to indicate a required level of data to be held in a buffer memory device prior to the commencement of the decoding; (c) displaying of the first frame of data for the fast forward or fast cue display ; and (d) wherein said required level of data is substantially no more than the size of the single largest frame in said video data bitstream.

As set forth above with respect to claim 1, these features are not taught or suggested in the '738 Zdepski et al patent. Therefore, Applicant believes that currently amended claim 11, along with dependent claim 12, is patentable over the '738 patent and respectfully requests reconsideration of the rejection.

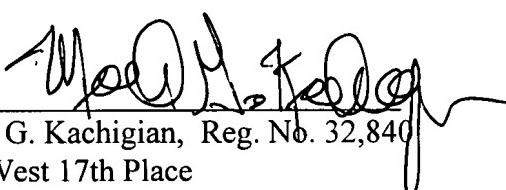
It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: 21 September 2001

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